

Linganore Watershed Forest Conservation Easement Purchase Program

The Board of County Commissioners has authorized the use of the Forest Resource Ordinance Fee-in-Lieu fund to purchase forest conservation easements along certain stream segments in the Linganore Watershed. Money collected under the fee-in-lieu program may be used for planting forests (including site identification, acquisition, preparation, and maintenance), for maintenance of existing forest that are protected by perpetual easements, and for achieving urban canopy goals. Through this program, the County is able to purchase forest conservation easements without using taxpayer dollars.

Several studies of the streams within the Linganore Watershed have been conducted over the past eight years. These studies have identified the stream segments that exhibit the most need for restoration. Restoration efforts such as planting new forest and maintaining existing forest along these stream segments will reduce soil erosion, increase ground water absorption, reduce stream sedimentation and nutrient loading, and provide wildlife habitat. These practices will improve water quality in Frederick County and the Chesapeake Bay.

Owners of property containing high priority areas for restoration and forest conservation easement purchase have been sent invitation letters to apply to this easement purchase program. **Qualifying property owners who are willing to grant a perpetual forest conservation easement to Frederick County will receive \$10,000 per acre for stream buffer areas that are currently devoid of forest, and \$4,000 per acre for stream buffer areas that are currently forested and are purchased in conjunction with unforested stream buffers.**

The areas that qualify for the easement purchase program include stream buffers (preferably not less than 50 feet or more than 175 feet from the stream banks) and FEMA floodplain, Maryland Department of Natural Resources (DNR) identified wetlands, and steep slopes situated along the stream corridors.

Areas that are subject to existing easements, such as Agricultural Preservation, existing Forest Resource Ordinance easements, CREP easements, or other easements that already protect the resource or are contrary to the covenants of this program will not qualify for this easement purchase program. Also, if your property is covered by a lien or a mortgage, the lien holder or financial institution must provide acceptance of the easement purchase (including agreement that any foreclosure will not extinguish the forest easement) prior to the property being accepted into the program.

All of the costs associated with establishing the easement, such as settlement costs, surveying, etc. will be paid for by the County through the Fee-in-Lieu fund. Easement areas that are purchased by the County will be planted in forest, maintained in forest, or allowed to naturally regenerate into a forest. All of the costs and labor associated with these forest improvements will be paid for and provided by the County. In addition, the County will provide weed control activities (as deemed necessary by the County) for three years following the installation of forest improvements.

Once an easement is purchased by the County, the property owner's only obligation is to abide by the covenants of the easement, which include restrictions on the use of the easement area and noxious weed control within the easement area (if/when necessary) after the County's three-year weed control period expires.

Property owners who are interested in applying for this forest conservation easement purchase program must complete and return the enclosed application to the Division of Permitting and Development Review by October 31, 2010.

Once all applications are received, each application will be reviewed using the Easement Ranking Criteria Worksheet, which awards points to each application based on easement size, length of stream buffers being conserved, and presence of other environmental features within the proposed easement area. The applications will be ranked in order based on the number of points the property scores on the worksheet and this ranking will serve as the basis for determining which properties are selected for easement purchase. The number of properties selected for easement purchase will depend on the amount of easement acres and number of properties applying for the program.

County Staff may contact you with questions about your application and to set up a time to meet you on the property to see the areas that are being reviewed for this program.

The Deed of Easement/Maintenance Covenants and Agreement (the required legal documents that will create the easement), an Option Agreement, and the Easement Ranking Criteria Worksheet is available for your review on our website www.FrederickCountyMD.gov/index.aspx?NID=1626

Please feel free to contact us if you have any questions about this easement purchase program.

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